S.B.Cr.Misc. Bail Appl. No.4390/2007

(Bhalla Ram vs. State of Rajasthan)

Date of order : September 14, 2007

**HON'BLE MR.H.R.PANWAR,J.**

Mr.B.S.Rathore, for the petitioner.
Mr.Vishal Raj Mehta, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers.

It is contended by the learned counsel for the petitioner that the petitioner has lodged an FIR being FIR No.132 dt. 27.7.2007 alleging therein that the deceased and Banshi Lal etc. started assaulting to Khima Ram and he rescued along with other persons and in that process, Khima Ram suffered injuries at the hands of deceased and the petitioner himself has suffered two injuries. So far as co-accused Khima Ram is concerned, he has suffered injury lacerated wound on his skull and as per the injury report he was semi conscious when brought to the hospital, he was unable to give statement as opined by the Doctor and he remained in hospital and was operated. The allegation of causing head injury is against co-accused Khima

Ram. The injured eye-witness Banshi Lal categorically stated that it was Khima Ram s/o Bhagaji having lathi in his hand and inflicted injury on the head of deceased. No specific overt act has been assigned to the present petitioner. The injury report of Dala Ram was prepared by Doctor on 27.7.2007 at 1430 hours, wherein only one injury i.e. head injury suffered by Dalla Ram is mentioned. So far as other observations of the Doctor are concerned, it is stated that injured is unable to lift his left lower limbs and right lower limbs. Be that as it may, there is evidence that co-accused Khima Ram suffered serious injury on the skull and was hospitalized and was unable to make statement during the period of hospitalization; underwent the operation and the petitioner, who alleged to have intervened and tried to rescue Khima Ram in that process, also suffered injuries.

Without commenting on the merit of the case, which may prejudice the case of either party at the trial having regard to the facts and circumstances of the case and the fact that fatal injury has been assigned to co-accused Khima Ram, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Bhalla Ram s/o Mula Ram be released on bail in CR. No.133/2007, P.S.

Marwar Junction (Pali) provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

**(H.R.PANWAR),J.**

m.asif/-